

D. AUGUST BOTO  
COUNTY ATTORNEY

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Gainesville, Texas 76240

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Opinion Committee

Attorney General's Office  
Opinion Committee  
Attn: Robert Patterson  
P.O. Box 12548  
Austin, Texas 78711-2548

**ID# 29875**  
**FILE # ML-29875-94**

RE: Open Records Request

Dear Mr. Patterson:

**RQ-759**

Enclosed please find a copy of a letter dated July 31, 1991 which I have received from Jeffrey C. King with the Hughes & Luce Firm in Dallas. The letter speaks for itself.

The defendant which he refers to in the mentioned letter pled nolo contendere on April 5, 1991 and received a deferred adjudication of a third degree felony for five years. It is, of course, possible that the probation attendant thereto will be "blown", necessitating a motion for revocation and other appropriate legal proceedings in connection therewith. The plea, plea bargain, and court's judgment are all attached for your review.

The purpose of this letter is to request your opinion as to whether the pendency of the probation is sufficient, in and of itself, to exempt the State's prosecutorial file from the provisions of the Open Records Act which require disclosure of public records.

I will be in Austin through August 11th, and will look forward to receiving some word from you in regard to these matters soon thereafter.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. August Boto".

D. August Boto

Enclosures listed

xc: Jeffrey C. King  
Hughes & Luce  
1717 Main St., Suite 2800  
Dallas, Texas (w/o enclosures)

**ACCOMPANIED BY ENCLOSURES -  
FILED SEPARATELY**